

**UNITED STATES BANKRUPTCY COURT
District of New Jersey**

IN RE: **Scott H. Richardson**

Case No.:

17-23522

Judge:

Kathryn C. Ferguson

Debtor(s)

FIRST MODIFIED CHAPTER 13 PLAN AND MOTIONS

☐ Original
☐ Motions Included

☒ Modified/Notice Required
☐ Modified/No Notice Required

Date: **2-28-2018**

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS WILL BE AFFECTED.

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

THIS PLAN:

☒ DOES ☐ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney **KBE**Initial Debtor: **SHR**

Initial Co-Debtor

Part 1: Payment and Length of Plan

a. The debtor shall pay 3,675.00 Monthly* to the Chapter 13 Trustee, starting on August 1, 2017 for approximately 4 months and 3,000.00 for the remaining 56 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

<input checked="" type="checkbox"/> <input type="checkbox"/>	Future Earnings Other sources of funding (describe source, amount and date when funds are available):
<p>c. Use of real property to satisfy plan obligations:</p> <div style="margin-left: 20px;"> <input type="checkbox"/> Sale of real property Description: Proposed date for completion: _____ </div> <div style="margin-left: 20px; margin-top: 10px;"> <input type="checkbox"/> Refinance of real property: Description: Proposed date for completion: _____ </div> <div style="margin-left: 20px; margin-top: 10px;"> <input checked="" type="checkbox"/> Loan modification with respect to mortgage encumbering property: Description: 275 Kilcourse Street, South Bound Brook, NJ 08880 Proposed date for completion: 7-31-2018 </div> <div style="margin-left: 20px; margin-top: 10px;"> <input checked="" type="checkbox"/> Loan modification with respect to mortgage encumbering property: Description: 81 Walnut Avenue, Somerset, NJ 08873 Proposed date for completion: 7-31-2018 </div> <p>d. <input type="checkbox"/> The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.</p> <p>e. <input type="checkbox"/> Other information that may be important relating to the payment and length of plan:</p>	

Part 2: Adequate Protection		<input checked="" type="checkbox"/> NONE						
<p>a. Adequate protection payments will be made in the amount of \$ ____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to ____ (creditor).</p> <p>b. Adequate protection payments will be made in the amount of \$ ____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: ____ (creditor).</p>								
Part 3: Priority Claims (Including Administrative Expenses)								
<p>a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 35%;">Creditor</th> <th style="width: 35%;">Type of Priority</th> <th style="width: 30%;">Amount to be Paid</th> </tr> </thead> <tbody> <tr> <td>Kirsten B. Ennis, Esq.</td> <td>Attorney Fees</td> <td style="text-align: right;">1,500.00</td> </tr> </tbody> </table>			Creditor	Type of Priority	Amount to be Paid	Kirsten B. Ennis, Esq.	Attorney Fees	1,500.00
Creditor	Type of Priority	Amount to be Paid						
Kirsten B. Ennis, Esq.	Attorney Fees	1,500.00						
<p>b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount: Check one: <input checked="" type="checkbox"/> None <input type="checkbox"/> The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):</p> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 25%;">Creditor</th> <th style="width: 25%;">Type of Priority</th> <th style="width: 25%;">Claim Amount</th> <th style="width: 25%;">Amount to be Paid</th> </tr> </thead> <tbody> </tbody> </table>			Creditor	Type of Priority	Claim Amount	Amount to be Paid		
Creditor	Type of Priority	Claim Amount	Amount to be Paid					

Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☐ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Green Tree Servicing L	81 Walnut Avenue Somerset, NJ 08873 Somerset County	39,333.55	0.00	39,333.55	2033.79

c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
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d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
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2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☒ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
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f. Secured Claims Unaffected by the Plan ☐ NONE

The following secured claims are unaffected by the Plan:

Creditor

Bank of America
Wells Fargo Hm Mortgag

g. Secured Claims to be Paid in Full Through the Plan ☐ NONE

Creditor	Collateral	Total Amount to be Paid through the Plan
Barbara Ann Mellor Holmes	lawsuit judgment	23,373.86
Cach of NJ, LLC	judgment lien	8,792.68
John Baron, Esq.	7 Brinton Court Brick, NJ 08723 Ocean County	39,762.00
Johnny on the Spot	judgment lien	1,115.86
Overlook Hospital	judgment lien	3,165.56

Part 5: Unsecured Claims ☐ NONE

a. **Not separately classified** allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$ ___ to be distributed *pro rata*
- ☒ Not less than 100 percent
- ☐ *Pro Rata* distribution from any remaining funds

b. **Separately Classified Unsecured** claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
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Part 6: Executory Contracts and Unexpired Leases ☒ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
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Part 7: Motions ☐ NONE

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). ☒ NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
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b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☐ NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
Verizon		0.00	0.00	None	0.00	0.00

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
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Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee Commissions
- 2) **Other Administrative Claims**
- 3) **Secured Claims**

- 4) Lease Arrearages
5) Priority Claims
6) General Unsecured Claims

d. Post-Petition Claims

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☐ NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.
Date of Plan being modified: 7-1-2017.

Explain below why the plan is being modified:	Explain below how the plan is being modified:
Modified to extend time for loan modification of mortgage on Killcourse Street and Walnut and adjust numbers for filed Proof of Claims and correct initial plan to correct date of amendment to previously filed plan.	Modified to extend time for loan modification of mortgage on Killcourse Street and Walnut and adjust numbers for filed Proof of Claims and correct initial plan to correct date of amendment to previously filed plan.

Are Schedules I and J being filed simultaneously with this Modified Plan? ☐ Yes ☒ No

Part 10 : Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures

☐ NONE

☒ Explain here:

***This plan is a step plan or has lumpsum payments as follows: \$3,675.00 per month for 4 months, then \$2,750.00 per month for 56 months**

Any non-standard provisions placed elsewhere in this plan are void.

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Certification.

I certify under penalty of perjury that the plan contains no non-standard provisions other than those set forth in this final paragraph.

Date	<u>February 28, 2018</u>	<u>/s/ Kirsten B. Ennis, Esq.</u> Kirsten B. Ennis, Esq. Attorney for the Debtor
Date:	<u>February 28, 2018</u>	<u>/s/ Scott H. Richardson</u> Scott H. Richardson Debtor
Date:	<u></u>	<u></u> Joint Debtor

Signatures

The Debtor(s) and the attorney for the Debtor(s) if any, must sign this Plan.

Date	<u>February 28, 2018</u>	<u>/s/ Kirsten B. Ennis, Esq.</u> Kirsten B. Ennis, Esq. Attorney for the Debtor
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I certify under penalty of perjury that the above is true.

Date:	<u>February 28, 2018</u>	<u>/s/ Scott H. Richardson</u>
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Scott H. Richardson

Debtor

Date: _____

Joint Debtor

Certificate of Notice Page 8 of 9
 United States Bankruptcy Court
 District of New Jersey

In re:
 Scott H. Richardson
 Debtor

Case No. 17-23522-KCF
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 27

Date Rcvd: Mar 12, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 14, 2018.

db +Scott H. Richardson, 81 Walnut Avenue, Somerset, NJ 08873-1445
 cr +HSBC BANK USA, NATIONAL ASSOCIATION AS TRUSTEE FOR, Phelan Hallinan & Schmieg, PC,
 400 Fellowship Road, Suite 100, Mt. Laurel, NJ 08054-3437
 516917326 +Bank of America, PO Box 722929, Houston, TX 77272-2929
 517045349 Bank of America, N.A., Bank of America, P.O. Box 31785, Tampa, FL 33631-3785
 516917327 +Barbara Ann Mellor Holmes, c/o Louis H. Miron, Esq., PO Box 2956 - 220 Lenox Avenue,
 Westfield, NJ 07091-2956
 517015956 +Barbara Mellor-Holmes, Louis H. Miron, Esq., 11 Commerce Dr., Suite 308,
 Cranford, NJ 07016-3513
 516917328 +Cach of NJ, LLC, C/O Harrison Ross Byck, 229 Palaza Blvd, ste 112,
 Morrisville, PA 19067-7601
 517149906 +Directv, LLC, by American InfoSource LP as agent, 4515 N Santa Fe Ave,
 Oklahoma City, OK 73118-7901
 516917329 +Eastern Account System INC., Attn: Bankruptcy Dept., Po Box 837, Newtown, CT 06470-0837
 516917330 +Eastern Account System INC., 75 Glen Rd Ste 110, Sandy Hook, CT 06482-1175
 517072905 HSBC Bank USA, National Association et.al., Wells Fargo Bank, N.A.,
 Default Document Processing, N9286-01Y, 1000 Blue Gentian Road, Eagan MN 55121-7700
 516917333 +IC System, Po Box 64378, Saint Paul, MN 55164-0378
 516917332 +IC System, Attn: Bankruptcy, 444 Highway 96 East; Po Box 64378, St. Paul, MN 55164-0378
 516917335 +John Baron, Esq., Po Box 2175, Hobe Sound, FL 33475-2175
 516917336 +Johnny on the Spot, Kathleen R. Wall, 2640 Highway 70, PO Box A,
 Manasquan, NJ 08736-0631
 516917338 +Merc Adj Bur, 6390 Main St S-160, Williamsville, NY 14221-5859
 516917337 +Merc Adj Bur, Po Box 9016, Williamsville, NY 14231-9016
 516917339 +Overlook Hospital, 99 Beauvoir Avenue, Summit, NJ 07901-3595
 516917341 ++WELLS FARGO BANK NA, WELLS FARGO HOME MORTGAGE AMERICAS SERVICING,
 ATTN BANKRUPTCY DEPT MAC X7801-014, 3476 STATEVIEW BLVD, FORT MILL SC 29715-7203
 (address filed with court: Wells Fargo Hm Mortgag, 8480 Stagecoach Cir,
 Frederick, MD 21701)

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usanj.njbankr@usdoj.gov Mar 12 2018 23:59:43 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Mar 12 2018 23:59:41 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 517157835 E-mail/PDF: resurgentbknofications@resurgent.com Mar 13 2018 00:03:56
 CACH, LLC C/O Resurgent Capital Services, P.O. Box 10675, Greenville, SC 29603-0675
 516967984 E-mail/Text: bankruptcy.bnc@ditech.com Mar 12 2018 23:59:26
 Ditech Financial LLC fka Green Tree Servicing LLC, P.O. Box 6154,
 Rapid City, South Dakota 57709-6154
 516917331 E-mail/PDF: gecsed@recoverycorp.com Mar 13 2018 00:04:08 Green Tree Servicing L,
 332 Minnesota St Ste 610, Saint Paul, MN 55101
 516917334 +E-mail/Text: collections@jeffersonassociates.com Mar 12 2018 23:59:47 Jefferson Associates,
 3 Coral St, Edison, NJ 08837-3242
 517139565 +E-mail/Text: bankruptcydpt@mcsmc.com Mar 12 2018 23:59:40
 Midland Credit Management, Inc. as agent for, Asset Acceptance LLC, Po Box 2036,
 Warren MI 48090-2036
 517048604 +E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Mar 13 2018 00:20:06 Verizon,
 by American InfoSource LP as agent, 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901
 TOTAL: 8

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

516917340 Spouse
 516917324 ##+ACB Receivables Management, Po Box 350, Asbury Park, NJ 07712-0350
 516917325 ##+ACB Receivables Management, 19 Main St, Asbury Park, NJ 07712-7012

TOTALS: 1, * 0, ## 2

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices
 will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The
 debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

District/off: 0312-3

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 27

Date Rcvd: Mar 12, 2018

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 14, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 9, 2018 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com
Albert Russo docs@russotrustee.com
Denise E. Carlon on behalf of Creditor Ditech Financial LLC dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
James Patrick Shay on behalf of Creditor HSBC BANK USA, NATIONAL ASSOCIATION AS TRUSTEE FOR
GSAA HOMEEQUITY TRUST 2005-7 james.shay@phelanhallinan.com
Kirsten B. Ennis on behalf of Debtor Scott H. Richardson pacerecf@ennislegal.com,
r53278@notify.bestcase.com
Nicholas V. Rogers on behalf of Creditor HSBC BANK USA, NATIONAL ASSOCIATION AS TRUSTEE FOR
GSAA HOMEEQUITY TRUST 2005-7 nj.bkecf@fedphe.com
Rebecca Ann Solarz on behalf of Creditor Ditech Financial LLC rsolarz@kmlawgroup.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov
William M.E. Powers on behalf of Creditor Bank of America, N.A. ecf@powerskirn.com
William M.E. Powers, III on behalf of Creditor Bank of America, N.A. ecf@powerskirn.com
TOTAL: 10